IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CRIMINAL REVISION PETITION NO. 294/2006

*PRABHU DAYAL Vs. MALLI DEVI*

DATE: 22.02.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. Sudesh Bansal for the petitioner.
Mr. Pankaj Gupta for the respondent.

****

This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the order dated 02.01.2006 passed by the Civil Judge (Jr. Division) & Judicial Magistrate, Bandikui, District Dausa in Criminal Case No. 29/04, whereby the application of the respondent-wife moved under Section 125 Cr.P.C. has been allowed and maintenance of Rs. 2,000/- per month has been granted in favour of the respondent from the date of filing of the application i.e. 05.03.2004.

Learned counsel for the petitioner prayed that the maintenance awarded by the Family Court be reduced and it should be awarded from date of passing of the order i.e. 02.01.2006, but the same has been awarded from the date of filing of the application i.e. 05.03.2004.

Having considered the rival submissions of the respective parties and looking to the facts and circumstances of the case, in the interest of justice, I deem it proper to modify the impugned order dated 02.01.2006 to the extent that the order of maintenance will be effective from the date of passing of the order i.e. 02.01.2006 and not from the date of filing of the application i.e. 05.03.2004.

Accordingly, the impugned order dated 02.01.2006 passed by the Civil Judge (Jr. Division) & Judicial Magistrate, Bandikui, District Dausa is modified as indicated herein above and the revision petition stands disposed of.

**(K.S. RATHORE),J.**

/KKC/